

The following suggested revisions are reasonable in nature and clarify two issues that take nothing away from the IDEM antidegradation program and in fact strengthens it.

- The first amendment is to the scope of the program that clearly is triggered upon NPDES permit modification and secondly upon an affirmative action by IDEM that specifically identifies an activity that should be reviewed. This addresses Easterly's concern that there are those activities that do not trigger NPDES but are degrading water quality. It places the burden on IDEM to reasonably identify and also justify requiring an activity to undergo review.
 - The second amendment makes clear that in order for a regulated pollutant to be subject to antidegradation review it must be capable of being numerically expressed. This is a reasonable and true statement with strong technical support for its conclusion.
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1. Revise 327 IAC 2-1.3-1(b) as follows: "The antidegradation implementation procedures established in sections 4 through 7 of this rule apply to a proposed new or increased loading of a regulated pollutant to surface waters of the state from a deliberate activity specifically identified by the agency as warranting review and subject to the Clean Water Act or a regulated activity resulting in a new or modified NPDES permit, including a change in process or operation that will result in a significant lowering of water quality.
 2. Revise the definition of "regulated pollutant" to read: "(44) "Regulated pollutant" means any (a) numerically expressed parameter; (i) for which water quality criteria have been adopted in or developed pursuant to 327 IAC 2-1 and 327 IAC 2-1.5; (ii) including (AA) narrative and numeric criteria....."